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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

LAURA FUJISAWA, et al.)	No. C07-5642 BZ
)	
Plaintiff(s),)	
)	
v.)	
)	
COMPASS VISION, INC., et)	SPECIAL VERDICT
al.,)	
)	
)	
Defendant(s).)	
)	
_____)	

We the jury find the following special verdict on the questions submitted to us:

1. Was Compass Vision, Inc. negligent?
_____Yes _____No

If you answered YES to question 1, proceed to question 2. If you answered NO to question 1, place a zero beside Compass Vision in question 14, skip questions 2-5, and proceed to question 6.

1 2. Did Compass Vision negligently promote the use
2 and/or interpretation of EtG testing as a method of detecting
3 alcohol abuse to the California Diversion Program.

4 _____ Yes _____ No

5
6 3. Did Compass Vision negligently advise the California
7 Diversion Program to initially establish 250ng/ml as the
8 cutoff for declaring an EtG test positive?

9 _____ Yes _____ No

10
11 4. After the advisories about EtG testing appeared, was
12 Compass Vision negligent in recommending that the California
13 Diversion Program continue to rely on positive EtG test
14 results at the cutoff levels it was recommending at that
15 time?

16 _____ Yes _____ No

17
18 5. Was Compass Vision's negligence a substantial factor
19 in causing harm to Laura Fujisawa?

20 _____ Yes _____ No

21
22 If you answered NO to question 5, place a zero beside
23 Compass Vision in question 14 and proceed to question 6.

24
25 6. Was National Medical Services, Inc. negligent?

26 _____ Yes _____ No

1 If you answered YES to question 6, proceed to question
2 7.

3
4 If you answered NO to question 6 and YES to question 5,
5 place a zero beside National Medical Services in
6 question 14, skip questions 7-10, and proceed to
7 question 11.

8
9 If you answered NO to question 6 and NO to question 5,
10 answer no further questions and have the presiding juror
11 sign and date this form.

12
13 7. Did National Medical Services negligently promote
14 the use and/or interpretation of EtG testing as a method of
15 detecting alcohol abuse to the California Diversion Program.

16 _____ Yes _____ No
17

18 8. Did National Medical Services negligently advise the
19 California Diversion Program to initially establish 250ng/ml
20 as the cutoff for declaring an EtG test positive?

21 _____Yes _____No
22

23 9. After the advisories about EtG testing appeared, was
24 National Medical Services negligent in recommending that the
25 California Diversion Program continue to rely on positive EtG
26 test results at the cutoff levels it was recommending at the
27 time?

28 _____Yes _____No

1 10. Was National Medical Services' negligence a
2 substantial factor in causing harm to Laura Fujisawa?

3 _____Yes _____No
4

5
6 If you answered YES to question 10, proceed to question
7 11.

8
9 If you answered NO in question 10 and YES in question 5,
10 place a zero beside National Medical Services in
11 question 14 and proceed to question 11.

12
13 If you answered NO to question 10 and NO to question 5,
14 answer no further questions and have the presiding juror
15 sign and date this form.

16
17 11. What are Laura Fujisawa's total damages? Do not
18 reduce the damages based on the fault, if any, of Laura
19 Fujisawa or others.

20
21 a. Past economic loss: \$_____

22 b. Future economic loss: \$_____

23
24 c. Past non-economic loss: \$_____

25 d. Future non-economic loss: \$_____

1 If Laura Fujisawa has proven any damages, then answer
2 question 12. If Laura Fujisawa has not proved any
3 damages, then stop here, answer no further questions,
4 and have the presiding juror sign and date this form.

5 12. Was Laura Fujisawa negligent?

6 _____Yes _____No
7

8 If your answer to question 12 is YES, then proceed to
9 question 13. If you answered NO, place a zero beside
10 Laura Fujisawa in question 14 and proceed to question
11 14.

12
13 13. Was Laura Fujisawa's negligence a substantial
14 factor in causing her harm?

15 _____Yes _____No
16

17
18 If your answer to question 13 is YES, then proceed to
19 question 14. If you answered NO, place a zero beside
20 Laura Fujisawa in question 14 and proceed to question
21 14.

22
23 14. What percentage of responsibility for Laura
24 Fujisawa's harm do you assign to the following? Insert a
25 percentage for only those who received "yes" answers in
26 questions 5, 10, or 13:
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Compass Vision _____%

National Medical Service _____%

Laura Fujisawa _____%

TOTAL: 100%

Signed: _____ Dated: _____
Presiding Juror